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Attorneys for [PROPOSED] Defendant-Intervenor
YUHA AVIATAM OF SAN MANUEL NATION,
a federally recognized Indian tribe, also federally recognized as
SAN MANUEL BAND OF MISSION INDIANS

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE**

SAVE OUR FOREST ASSOCIATION,
Plaintiff,
v.
UNITED STATES FOREST SERVICE,
RANDY MOORE, in his official

Case No.: 5:24-cv-01336-JGB-DTB

**YUHA AVIATAM OF SAN
MANUEL NATION’S [PROPOSED]
NOTICE OF MOTION AND
MOTION TO DISMISS**

1 capacity as Chief of the U.S. Forest
2 Service,

3 CHRISTOPHER FRENCH, in his
4 official capacity as Deputy Chief for the
5 National Forest System of the
6 U.S. Forest Service,

7 JENNIFER EBERLEIN, in her official
8 capacity as Regional Forester for the
9 Pacific Southwest Region of the
10 U.S. Forest Service,

11 DANELLE HARRISON, in her official
12 capacity as Forest Supervisor of the San
13 Bernardino National Forest of the
14 U.S. Forest Service,

15 MICHAEL NOBLES, in his official
16 capacity as Front Country District
17 Ranger of the U.S. Forest Service,

18 Defendants.

19 YUHA AVIATAM OF SAN MANUEL
20 NATION, a federally recognized Indian
21 tribe, also federally recognized as
22 SAN MANUEL BAND OF MISSION
23 INDIANS

24 [PROPOSED] Defendant-Intervenor.
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Hearing Date: TBD

Hearing Time: 9:00 a.m.

Courtroom: 1

Judge: Hon. Jesus G. Bernal

Action Filed: June 25, 2024

1 TO ALL PARTIES AND THEIR ATTORNEYS:

2 PLEASE TAKE NOTICE that on _____, 2025, at 9:00 a.m. in
3 Courtroom 1, at the above-entitled Court, located at 3470 Twelfth Street, Riverside,
4 California, the Yuhaaviatam of San Manuel Nation, a federally recognized Indian
5 tribe (previously known as the San Manuel Band of Mission Indians) (the
6 “Nation”), will, and hereby does, move this Court for an order dismissing the action
7 with prejudice based on FRCP 12(b)(7) and 19, on grounds that the Nation is a
8 necessary party that cannot be joined due to its sovereign immunity, and this action
9 cannot proceed in equity and good conscience.

10 This motion is based upon this Notice of Motion; the Memorandum of Points
11 and Authorities in Support of Motion to Dismiss; the Nation’s Request for Judicial
12 Notice and the Exhibits thereto; all the pleadings and records on file; and on such
13 other and further documentary or oral evidence as may be presented at the hearing
14 on this motion.

15 Under L.R. 7-3, the Nation’s counsel has conferred with counsel for Plaintiff
16 on 1/6/25 and again on 1/8/25, and with counsel for Defendants on 12/31/24 and
17 again on 2/26/25. Plaintiff opposes the Nation’s motion to dismiss. Defendants
18 reserve their position regarding the Nation’s motion to dismiss.

19
20 Dated: March 6, 2025

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22 Respectfully submitted,
23 LAW OFFICE OF FRANK LAWRENCE

24 By: _____/s_____
25 Frank R. Lawrence
26 Law Office of Frank Lawrence
27 Counsel for Intervenor
28 Yuhaaviatam of San Manuel